IN THE CLAIMS

The following listing of claims will replace all prior versions, listings, and claims in this application.

Claims 1-41 (Cancelled).

42. (Currently Amended) A purified nucleic acid comprising:

(a) SEQ ID NO:3; or

(b) a sequence from a Clostridium strain hybridizing with a complementary strand of SEQ ID NO:3 under stringent conditions, which comprise washing at 65°C in 0.1 X SSC and 0.1 %SDS;

wherein said purified nucleic acid has a transcriptional promoter activity.

43. (Previously Presented) The purified nucleic acid according to claim 42, which comprises SEQ ID NO:3.

44. (Previously Presented) The purified nucleic acid according to claim 42, which is a *Clostridium perfringens* beta 2 toxin promoter.

45. (Previously Presented) An expression cassette comprising, in the 5' to 3' direction, the purified nucleic acid according to claim 42 and a transgene to be expressed.

46. (Previously Presented) The expression cassette according to claim 45, wherein said expression cassette further comprises a transcriptional terminator at a 3' end of said transgene.

47. (Previously Presented) The expression cassette according to claim 45, wherein said expression cassette further comprises a secretion signal located between said purified nucleic acid and said transgene.

48. (Previously Presented) The expression cassette according to claim 45, wherein said transgene codes for a toxin, a fragment thereof, or a variant thereof.

49. (Previously Presented) The expression cassette according to claim 48, wherein said toxin is a pathogenic bacterium toxin.

50. (Previously Presented) A vector comprising the purified nucleic acid according to claim 42.

51. (Previously Presented) The vector according to claim 50, wherein said vector is functional in a bacterium.

52. (Previously Presented) The vector according to claim 51, wherein said bacterium is a *Clostridium* bacterium.

53. (Previously Presented) The vector according to claim 51, wherein said bacterium is *Clostridium perfringens*.

54. (Previously Presented) A recombinant cell comprising the purified nucleic acid according to claim 42.

55. (Previously Presented) The recombinant cell according to claim 54, wherein said recombinant cell is a prokaryotic cell.

56. (Previously Presented) A method for producing a polypeptide, comprising:

(a) introducing a transgene coding for said polypeptide into a cell, wherein said transgene is under the control of the purified nucleic acid according to claim 42;

(b) expressing said transgene; and

(c) recovering said polypeptide.

57. (Previously Presented) A method for producing a polypeptide, comprising:

(a) introducing a transgene coding for said polypeptide into the recombinant cell according to claim 54, wherein said transgene is placed under the control of said purified nucleic acid;

(b) culturing said recombinant cell to express said transgene; and

(c) recovering said polypeptide.

58. (Previously Presented) The method according to claim 56, wherein said cell is a *Clostridium* bacterium.

59. (Previously Presented) The method according to claim 56, wherein said polypeptide is a toxin, a toxoid, or a fragment thereof.

60. (Currently Amended) A purified nucleic acid comprising SEQ ID NO:4 or a sequence from a Clostridium strain which hybridizes under stringent conditions to SEQ ID

NO:4, wherein the stringent conditions comprise washing at 65°C in 0.1 X SSC and 0.1 %SDS and which encodes a peptide that functions as a secretion signal peptide.

61. (Previously Presented) A method for producing a polypeptide, wherein said method comprises:

(a) introducing the expression cassette according to claim 45 into a cell, wherein said transgene is placed under the control of said purified nucleic acid;

(b) expressing said transgene; and

(c) recovering said polypeptide.

62. (Previously Presented) The vector according to claim 50, which further comprises a transgene operably linked to said purified nucleic acid.

63. (Previously Presented) A recombinant cell comprising the expression cassette according to claim 45.

64. (Previously Presented) A recombinant cell comprising the vector according to claim 50.

65. (Previously Presented) A recombinant cell comprising the vector according to claim 62.

66. (Previously Presented) The recombinant cell according to claim 54, wherein said recombinant cell is a bacterium.

67. (Previously Presented) The recombinant cell according to claim 63, wherein said recombinant cell is a bacterium.

68. (Previously Presented) The recombinant cell according to claim 64, wherein said recombinant cell is a bacterium.

69. (Previously Presented) The recombinant cell according to claim 65, wherein said recombinant cell is a bacterium.

70. (Previously Presented) The method according to claim 57, wherein said recombinant cell is a *Clostridium* bacterium.

71. (Previously Presented) A method for producing a polypeptide, comprising:

(a) culturing the recombinant cell according to claim 63 to express said transgene in said expression cassette; and

(b) recovering said polypeptide.

72. (Currently Amended) A method for producing a polypeptide, comprising:

(a) introducing a transgene coding for said polypeptide into the recombinant cell according to claim 64, wherein said transgene is placed under the control of said purified nucleic acid ~~on~~ in said vector;

(b) culturing said recombinant cell to express said transgene; and

(c) recovering said polypeptide.

73. (Previously Presented) A method for producing a polypeptide, wherein said method comprises:

(a) culturing the recombinant cell according to claim 65 to express said transgene in said vector; and

(b) recovering said polypeptide.

Claims 74-79 (Cancelled).

80. (Previously Presented) The purified nucleic acid according to Claim 60, which comprises SEQ ID NO:4.

81. (Previously Presented) The purified nucleic acid according to Claim 60, which comprises a sequence which hybridizes under stringent conditions to SEQ ID NO:4, wherein the stringent conditions comprise washing at 65°C in 0.1 X SSC and 0.1 %SDS and, which encodes a peptide that functions as a secretion signal peptide.

82. (Previously Presented) A vector comprising the purified nucleic acid according to Claim 80.

83. (Previously Presented) A vector comprising the purified nucleic acid according to Claim 81.

84. (Previously Presented) A recombinant cell comprising the purified nucleic acid according to Claim 80.

85. (Previously Presented) A recombinant cell comprising the purified nucleic acid according to Claim 81.

86. (Previously Presented) An expression cassette comprising a transgene to be expressed operably linked to the purified nucleic acid according to Claim 80.

87. (Previously Presented) An expression cassette comprising a transgene to be expressed operably linked to the purified nucleic acid according to Claim 81.

88. (Previously Presented) A recombinant cell comprising the expression cassette according to Claim 86.

89. (Previously Presented) A recombinant cell comprising the expression cassette according to Claim 87.

90. (Previously Presented) A method of producing a polypeptide, comprising
introducing the expression cassette of Claim 86 into a cell,
culturing the cell to express the transgene; and
recovering the polypeptide.

91. (Previously Presented) A method of producing a polypeptide, comprising
introducing the expression cassette of Claim 87 into a cell,
culturing the cell to express the transgene; and
recovering the polypeptide.

Claims 92-93 (Cancelled).